



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

February 2, 2012

Board of Supervisors
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First District

MARK RIDLEY-THOMAS
Second District

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Third District

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Fourth District

MICHAEL D. ANTONOVICH
Fifth District

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Mark Ridley-Thomas
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

MOTION THAT THE BOARD OF SUPERVISORS INSTRUCT THE CHIEF EXECUTIVE OFFICER AND THE COUNTY SACRAMENTO ADVOCATES TO SUPPORT PASSAGE OF AB 1325 (LARA) - (ITEM NO. 5, AGENDA OF FEBRUARY 7, 2012)

Item No. 5 on the February 7, 2012 Agenda is a motion by Supervisor Knabe recommending that the Board of Supervisors instruct the Chief Executive Officer and the County Sacramento advocates to support passage of AB 1325 (Lara).

Under current law, every person who regularly transacts business in California for profit under a Fictitious Business Name (FBN) is required to file and maintain a current FBN statement with the county clerk in which the principal place of business is located. The filing is designed to protect consumers who deal with individuals or partnerships that operate under FBNs by making available to the public the identities of people or companies doing business under a fictitious name. While current law sets out a variety of requirements for filing an FBN, it does not require registrants to provide verifiable personal or corporate identification when doing so. The FBN filing statement also does not specify a penalty or fine for providing false information.

AB 1325, as amended on January 4, 2012, would require persons who file FBN statements to provide identification in the form of a California driver's license or other identification acceptable to the county clerk at the time of filing. The bill also would require the FBN filing form to include a statement specifying that providing false information is a misdemeanor punishable by a fine of up to \$1,000.

"To Enrich Lives Through Effective And Caring Service"

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The Registrar-Recorder/County Clerk (RR/CC) reports that AB 1325 would help limit fraudulent practices associated with the filing of FBN forms and increase consumer protections. According to the RR/CC, the bill could result in minor workload increases related to review of identification documents submitted at the time FBN forms are filed. The RR/CC indicates that these costs would be covered by fees assessed for the filing of FBN forms.

The Registrar-Recorder/County Clerk and this office recommend a support position on AB 1325 because the bill would help protect consumers in the County who deal with individuals operating a business under a Fictitious Business Name. However, there is no existing Board policy to support measures which would require persons who file a FBN to provide proof of their identity at the time of filing; therefore, **support for AB 1325 is a matter for Board determination.**

AB 1325 passed the Assembly Floor by a vote of 75 to 0 on January 26, 2012. This measure is currently in the Senate Rules Committee.

We will continue to keep you advised.

WTF:RA
MR:VE:sb

c: Executive Office, Board of Supervisors
County Counsel